

R E M A R K S

This paper is submitted responsive to the official action mailed January 16, 2003. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

Turning to the action, the Examiner has rejected all claims under 35 USC 101 as drawn to non-statutory subject matter, and has further rejected all claims as obvious over combinations of several prior art references.

Starting with the non-statutory subject matter rejection, the Examiner indicates that the claimed subject matter is non-statutory because "it relates to a method for the on-line selection of an air conditioning product. However, the invention fails to include any physical features for carrying out the steps."

Reconsideration of this holding is respectfully requested. Initially, there is clearly no requirement for physical features for carrying out steps in order to have a method or process claim constitute statutory subject matter. The claims at issue deal with providing, obtaining, transforming and conveying various pieces of information, and methods drawn to such steps are clearly statutory subject matter. It is respectfully submitted that there is no requirement for a "physical features" portion of claims for carrying out the steps of a method claims.

Furthermore, the Examiner's factual assertion is incorrect. Although not needed to meet the statutory subject matter requirement, it is noted that claim 1 clearly calls for provision of a database, which is certainly a physical feature.

Based upon the foregoing, it is respectfully submitted that the rejection under 35 USC 101 is improper, and reconsideration and withdrawal of this rejection is respectfully requested.

Turning to the prior art rejections, the Examiner has made of record a series of prior art publications such as the PR Newswire Article, Steele, Sheinkopf, and Lonngren, and has also taken Official Notice, which correspond to various conventional wisdom tips on selection of a proper air conditioner. The Examiner has also cited U.S. Patent No. 6,282,518 which is drawn to a process for Internet ordering of industrial products, specifically, "drives".

The claimed subject matter, in contrast, is drawn to a method for on-line selection of an air conditioner product wherein, in order to allow a consumer to select an air conditioner product without problems associated with obtaining access to an expert or salesman, a series of queries or prompts are programmed into a computer and used to interactively obtain relevant information to suggest a suitable product to the purchaser. Specifically, claim 1 calls for providing a database storing product identifiers

and corresponding product characteristics, interactively obtaining the intended use information referenced above, equating this intended use information with a product characteristic corresponding to the intended use, and identifying in the database a suitable product having product characteristics meeting those of the intended use product characteristic. Suitable products are then identified to the consumer.

Although the prior art cited by the Examiner appears to disclose bits and pieces of the subject invention, it is respectfully submitted that these bits and pieces are insufficient to support a *prima facie* case for obviousness. Furthermore, it is respectfully submitted that the PR Newswire, Steele, Sheinkopf, Lonngren and Official Notice teachings are non-enabling to the extent that these references would not teach a person of ordinary skill in the art to prepare a system or formulate a method corresponding to the steps of the claimed invention.

It is further respectfully submitted that the Farrell et al. '518 patent is clearly drawn to non-analogous art, and therefore would not be consulted or combined with the teachings of PR Newswire, Steele, Sheinkopf, Lonngren and Official Notice, by a person of ordinary skill in the art. Absent the teachings of the present application, in fact, it is respectfully submitted that there is no motivation whatsoever for any attempted combination of these diverse

prior art references. Furthermore, it is respectfully submitted that even if one did combine this subject matter, one would not arrive at the specific steps of the claims of the present application.

Based upon the foregoing, it is respectfully submitted that independent claim 1 is clearly patentable over the art record, and favorable treatment of this claim is respectfully requested.

By the present amendment, dependent claim 5 has been rewritten in independent form. The Examiner asserted in the official action that the subject matter of claim 5 was taught by a combination of the PR Newswire Article and Farrell et al. Claim 5 calls for transforming intended use location area into an initial acceptable BTU capacity, obtaining further intended use location information from the consumer, determining a correction factor from the further intended use location information, and applying this correction factor to the initial acceptable BTU capacity so as to obtain a corrected BTU capacity. The PR Newswire does not refer in any way to identification of an initial capacity, followed by determining of a correction factor, and application of the correction factor to the initial capacity to arrive at a corrected or adjusted capacity. Neither does Farrell et al. '518, or any other art of record. Clearly, this subject matter is not disclosed, suggested or in any way obviated by the applied references.

It is therefore respectfully requested that the rejection of this claim be withdrawn and claim 5 be treated favorably as well.

Dependent claims 2-4 depend directly or indirectly from independent claim 1, and are submitted to contain patentable subject matter based upon this dependency. Furthermore, each of these claims contains additional subject matter which, it is respectfully submitted, support patentability of these claims in their own right.

Dependent claims 6-16 all depend directly or indirectly from now-independent claim 5 and are submitted to contain patentable subject matter based upon this dependence. Further, each of these claims contains additional subject matter drawn to specific preferred steps of the present invention, and such subject matter is also submitted to separately support patentability of each of these dependent claims.

Based upon the foregoing, it is respectfully submitted that the claims of the present application are drawn to statutory and patentable subject matter, and early and favorable action is therefore respectfully solicited.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding

issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

4-15-2003

on \_\_\_\_\_  
(Date of Deposit)  
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Name and Reg. No. of Attorney  
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Signature  
4/15/03  
Date of Signature

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 5 has been amended as follows:

5. (Amended) [The method of claim 1] An interactive method for on-line selection of an air conditioning product, comprising the steps of:

providing a database storing a plurality of air conditioning product identifiers and at least one corresponding product characteristic;

interactively obtaining intended use information from a consumer for a desired air conditioning product and intended use location;

equating said intended use information with an intended use product characteristic;

identifying a suitable product having said at least one product characteristic meeting said intended use product characteristic; and

identifying said suitable product to said consumer, wherein said corresponding product characteristic includes a BTU rating for each product, and wherein said step of interactively obtaining comprises:

obtaining intended use location area from said consumer;

transforming said intended use location area into an initial acceptable BTU capacity for said intended use location area;

obtaining further intended use location information from said consumer;

determining a correction factor from said further intended use location information; and

applying said correction factor to said initial acceptable BTU capacity so as to obtain a corrected acceptable BTU capacity, and wherein said equating step comprises identifying said suitable product having said BTU rating meeting said corrected acceptable BTU capacity.